

**Testimony for the Little Hoover Commission relating to OCJP
from Bill Lockyer, California Attorney General
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Introduction

The Governor's Office of Criminal Justice Planning (OCJP) has the difficult and vitally important task of distributing millions of federal and state dollars every year – as much as \$250 million next fiscal year – to local and state government agencies, non-profit organizations and community-based groups in support of their criminal justice programs. In a world of limited resources, particularly with a severe state budget crisis, it is absolutely essential that these dollars be spent as effectively as possible to maximize public safety and services for victims of crime. This, of course, is easier said than done, and so I would like to thank the Little Hoover Commission for giving me the opportunity to contribute to this hearing on how OCJP can perform more effectively.

In this letter, I will make two general points. The first concerns collaboration. If OCJP is to achieve its objectives, it must work in the future much more collaboratively with the other state agencies that address criminal justice issues. As part of this reorientation toward collaboration, OCJP would be well advised 1) to exercise its leadership in the criminal justice field in conjunction with other state agencies, 2) to aggressively share data and information with others about the outcomes and successes of its grantees, and 3) to engage more effectively in statewide criminal justice planning, and to do so in partnership with the other state agencies that have responsibility in this field. My second point centers on identifying the priority needs of local law enforcement with regard to the funding opportunities available through OCJP.

1. COLLABORATION AMONG STATE AGENCIES IS ESSENTIAL

The criminal justice programs funded by OCJP range broadly from law enforcement and prosecution to prevention and victim/witness services. These programs affect numerous disciplines and agencies at the state and local levels beyond the obvious law enforcement entities, including public health, mental health and social services. Despite the enormity and complexity of the task, OCJP's mission is clear and it is identical to or consistent with that of every state and local government agency that touches on the criminal justice area: to improve public safety and to help victims of crime and violence.

Informal and formal collaboration with other state agencies and relevant organizations is necessary to align and support the efforts of all of us. In the implementation and administration of grant programs, and in planning for effective criminal justice efforts for California, OCJP needs to look outside its own office and consider the interests and needs of other agencies and organizations that work in the same

and related areas. Criminal justice issues have a significant impact on the health, welfare and safety of all of our communities and, therefore, policies and programs to address these issues must be multi-disciplinary in nature. Reaching out to agencies and disciplines to form strong partnerships with public health, mental health, social services, education and other groups working toward the same goals should be part of OCJP's standard operating procedure.

OCJP's use of advisory groups and task forces for certain program areas, primarily as a means of interacting with the field, is commendable; however, it does not go far enough to effect an ongoing collaboration and dialogue with other public and private organizations. Such ongoing collaboration would lead to better sharing of data, resources and other information, and as a result, better decision making – by OCJP and by all of us.

OCJP needs to have a stake in the success of all agencies with related objectives and we need to have a stake in OCJP's successes if we are to achieve the goals we share. When agencies have constructive and supportive relationships like these, the entire state benefits. Collaboration is critical for the effective state administration of grant programs that are supposed to promote public safety and provide victim services. Through collaboration, OCJP and all others working in criminal justice can learn from each other about programs, strategies and activities that work or do not work, share data, eliminate duplicative or unnecessary services and greatly strengthen our efforts to make our communities safer. Collaboration among those who spend taxpayer dollars to further similar public purposes is just good government, and Californians deserve that.

Leadership: Related to collaboration, of course, is good leadership, the willingness to take on leadership responsibilities and to seize leadership opportunities. OCJP is in an ideal position to help unify state leadership in key areas related to public safety and victim services. Good leadership is demonstrated by working across the borders of agencies and disciplines, working with health and social services, mental health, education, corrections and, of course, law enforcement and prosecutors to help identify the needs of the state and design and implement plans to meet those needs. These agencies, along with other interested government organizations, could lead the state in addressing our most pressing criminal justice and victim services issues. OCJP, working through the Governor's administration, should take on that collaborative leadership role.

Good leadership also means leveraging limited staff resources and fully utilizing expertise. The many grants that OCJP provides to local agencies and organizations positions it as the one state agency that can best know what is really going on throughout the state in public safety and victim services. It also is in the best position to share with others what it has learned – exciting programs with promising outcomes, new strategies or policies that appear to have real impact, crime trends within a community or region that require attention, unique sets of data and technological advances, to name a few. To do this, OCJP should put a new priority on getting its staff and managers out of the office and into the field more, not just monitoring grantees for compliance with minimum grant

requirements, but also learning from them and sharing what they learned with other OCJP staff and other state agencies.

Finally, good leadership means having a strong and committed executive management team, with people who are experienced in and have a good understanding of the breadth of public safety and victims services issues. Such a team brings credibility to the work and mission of the organization, and strengthens its traditional role as the Governor's policy arm for criminal justice.

Let me add here that I believe that OCJP is extremely important to the state and that, however the Office may ultimately be reorganized, its core function of funding grants for criminal justice programs should remain together and under the Governor's authority rather than being piece-mealed out to other state departments and agencies.

Program Evaluation and Sharing Information and Data: Evaluating its grant programs, and then sharing that information with other state and local agencies, should be a new imperative. Millions of public dollars are granted to hundreds of agencies and organizations throughout the state to reduce crime and violence in their communities and to provide worthwhile services to crime victims. However, little is known about the effectiveness of programs and strategies funded by OCJP. Evaluation is critical in determining effectiveness, which in turn will help policy makers decide how to allocate scarce dollars. If programs are evaluated, and if that information is shared with other state and local agencies, we all stand to learn a great deal.

While I am a proponent of more and better evaluation, I am not suggesting that each and every OCJP-funded program undergo rigorous, scientifically-based evaluation. It would be prohibitively expensive, and most OCJP programs, by their nature, cannot be evaluated in such a manner. A more modest evaluation, designed to describe these programs and link each of them to outcome data, will help the grantees achieve their goals and provide other agencies with useful – and, until now, unavailable – information on what local communities are doing to promote public safety and victim well-being.

Statewide Criminal Justice Planning: In a state as large, diverse and dynamic as California, it is imperative that state government's numerous criminal justice agencies do a better job of planning – together – their massive, ongoing efforts. This planning function apparently rests with OCJP. However, it is not clear to me how an agency that must wrestle with the challenges of distributing, supporting and monitoring more than \$200 million in grants annually can, at the same time, adequately perform the statewide planning function. Moreover, I believe OCJP would readily acknowledge that it has not focused in recent years on statewide criminal justice planning. OCJP nevertheless could play a vital role by helping initiate and then participating in a collaborative statewide criminal justice planning process.

I would like to underscore the absolute need for statewide planning by discussing one area of the criminal justice system where the lack of planning has been extensively studied: the field of youth violence prevention. State government invests more than \$2.1

billion per year in such programs. If these billions were administered by one state office (which I am not proposing), state leaders would certainly require that office to spend those sums *rationally*. To do so, the state office – at minimum – would have to: 1) identify communities with the greatest prevention needs; 2) set forth the state's priorities; 3) determine where and how the \$2.1 billion is spent each year; and 4) evaluate whether the state's resources are well spent. If that single office failed to do these things, state policymakers would have no way to determine how state policy was being defined by the Administration, how policy was being carried out, and what public good the state was accomplishing in the expenditure of its dollars. Further, state policymakers would have no information and no criteria to use in holding the state office accountable. Such a scenario would be unacceptable.

Well, in fact, the state does not have one or even just a few offices that address youth violence prevention. Instead, the state has *fifty* separate programs administered by 12 state departments led by three constitutional officers. These programs, with varying degrees of success, attempt to satisfy those four standards, but only with respect to their individual operations. The state has not yet created a planning mechanism that would help these 50 programs recognize and live up to their collective statewide obligations. OCJP, together with other executive agencies and the courts, could help make criminal justice planning a reality instead of just the name on the letterhead.

2. BETTER IDENTIFYING LOCAL LAW ENFORCEMENT'S NEEDS

There is too often a disconnect between OCJP and law enforcement at the local level where OCJP-funded programs are actually implemented. This occurs in part because OCJP personnel at the state level lack practical experience and knowledge of what is necessary to actually carry out a program and, in part, because priorities at the local level change more rapidly than OCJP is prepared or organized to meet.

The grant application process used by OCJP has a tendency to force applicants to tailor their programs to unrealistic procedures and reporting requirements. The actual implementation of some programs funded under this scenario may well result in a program that is less effective than forecast, or a program that operates in a manner that is significantly different from what the reporting would lead one to believe. In either case, any evaluation of such a program from the grant perspective may lead to erroneous conclusions. The result of this process is that there are some programs that continue to be funded when their effectiveness is in question.

The problem of not understanding the implementation of a program is often manifested during the startup phase of a project. There is rarely enough time or funding dedicated to this most essential phase. Because it takes so much time to ramp up a program, local applicants often feel compelled to purposely underestimate the required time and funding requirements out of fear of not being awarded a competitive grant because some other entity has stated they can do it more efficiently and effectively. The result is a program that is not properly staffed or developed. This might lead to the

conclusion that the program will not work as well as planned, and a potentially good program is thereby eliminated.

The problem of the rapid change in priorities at the local level can be attributed to many factors, but two have emerged as important for this discussion. The first is the “micro” environment in which the local jurisdiction operates. Different and unique problems confront local law enforcement leaders almost on a daily basis. They are forced to redeploy their resources and adjust their strategies as their communities change. While gangs may suddenly appear in one area demanding an immediate response, a serious drug problem may emerge in another area, demanding the same immediate response. The jurisdiction must consider funding options to support these operations, and grants are rarely available at the time when the situation can most easily be corrected, which is when the problem is just emerging. It is only after problems of this kind have been around for a period of time that grants become available to address them.

The second important generator of rapid change that manifests itself at the local level is “global” change that occurs outside and beyond the control of the local jurisdiction but that has a direct and significant impact on the local crime rate. For example, after the enactment of the North American Free Trade Agreement (NAFTA), truck traffic across the U.S.-Canadian border increased, bringing with it a massive increase in the import of bulk quantities of pseudoephedrine, the precursor chemical ingredient which is critical to the illicit manufacture of methamphetamine. Canadian laws regulating precursor chemicals are far more lax than ours. Overnight, a new flood of methamphetamine production, which had been dramatically reduced by tough state and national precursor control statutes, once again hit California. This crime increase provides a vivid illustration of what happens when local agencies lack the insight to predict what additional resources they will need, and when there is a scarcity of potential grants to assist them.

The answer concerning how OCJP could better meet the needs of law enforcement at the local level lies in its ability to establish better and more reliable lines of communication with all of local law enforcement. There have been instances in the past where it appeared to locals that grant funds were made available only to certain entities, and that the justification for those awards was developed after the fact. Ironically, the Governor’s response to the influx of Canadian precursor chemicals and increased methamphetamine production -- his War on Methamphetamine which concentrated new OCJP funding on the Central Valley-- itself triggered a perception outside the Valley that state anti-meth funds were unfairly distributed among the counties. That should never happen, and solid lines of communication can eliminate concerns like these.

Thank you for allowing me the opportunity to discuss OCJP and the critical issues of public safety and victim services. Let me also thank the Little Hoover Commission for conducting this important hearing, and more generally for regularly and insightfully reminding all of us in government that we can always do a better job of serving the people of California.